

Message Text

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ACTION PM-03

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SECDEF

INFO HQ 3AF REF MILDENHALL

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E.O. 11652: N/A

TAGS: MASS, MILI, US, UK, FRG

SUBJ: RECOVERY OF CRASHED US WORLD WAR II MILITARY AIR-CRAFT IN UK

1. HQ THIRD AF (USAFC) HAVE INFORMED US THAT THE NUMBER OF REQUESTS TO HMG AUTHORITIES FOR PERMISSION TO RECOVER US WORLD WAR II MILITARY AIRCRAFT WRECKAGE IS ON THE RISE.

2. THE BRITISH HAVE EXPRESSED A FEAR THAT IF WE ARE NOT ABLE TO DEAL WITH REQUESTS TO EXCAVATE AIRCRAFT WRECKAGE EXPEDITIOUSLY THERE IS A VERY REAL POSSIBILITY THAT INDIVIDUALS/GROUPS WISHING TO EXCAVATE WILL SIMPLY PROCEED TO DO SO WITHOUT WAITING FOR PERMISSION. THUS, SLOWNESS TO DISPOSE OF AN APPLICATION TO PROCEED RUNS THE DANGER OF "DRIVING THESE ACTIVITIES UNDERGROUND" AND THE BRITISH AND WE WOULD LOSE EVEN THE LIMITED CONTROL OVER THESE EXCAVATIONS WE NOW ENJOY.

3. AT PRESENT HMG HAS ESTABLISHED PROCEDURAL GUIDELINES FOR RECOVERY GROUPS -- BASED ON HMG'S DECLARATION THAT IT DOES NOT INTEND TO RECOVER AIRCRAFT WHICH CRASHED BEFORE OR DURING THE WAR OR IN THE IMMEDIATE POST-WAR PERIOD. THIS APPLIES TO BRITISH AIRCRAFT AND FORMER GERMAN REICH AIRCRAFT. IN THE CASE OF CRASHED US AIRCRAFT (AND IN THE ABSENCE OF CLEAR EVIDENCE OF ABANDONMENT) THEY REMAIN THE PROPERTY OF THE FEDERAL GOVERNMENT. AT UNCLASSIFIED
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PRESENT, US POLICY ON THIS MATTER REQUIRES POSITIVE IDENTIFICATION OF US OWNERSHIP (PREMISED ON ASSUMPTION

THAT THIS CAN ONLY BE DONE "ON RECOVERY" WITH INSPECTION BY QUALIFIED DOD PERSONNEL TO DETERMINE WHETHER DEMILITARIZATION, DELETHALIZATION, OR DECLASSIFICATION IS REQUIRED. IN DUE COURSE, THE US PROPERTY DISPOSAL OFFICER IF A FINDING IS MADE THAT "REDISTRIBUTION, TRANSFER OR SALE" IS ECONOMICALLY IMPRACTICABLE, MAY DISPOSE OF "FOREIGN EXCESS PROPERTY" IN ACCORDANCE WITH DOD DIRECTIVE 4160.21.M, CHAPTER XIV. FOREIGN EXCESS PERSONAL PROPERTY MAY BE ABANDONED, OR DESTROYED UPON A WRITTEN FINDING BY THE PROPERTY DISPOSAL OFFICER AND APPROVED BY THE DEFENSE PROPERTY DISPOSAL SERVICE. HOWEVER, AT PRESENT POLICY ALSO CALLS FOR LOCAL STATE DEPARTMENT REPRESENTATIVES TO ADVISE THE DEFENSE PROPERTY DISPOSAL OFFICER WHETHER THE BEST INTERESTS OF THE FEDERAL GOVERNMENT ARE SERVED IF A "DONATION" OF FOREIGN EXCESS PROPERTY IS MADE. YET, DONATIONS UNDER 10 U.S.C.2572 APPEAR TO BE LIMITED TO SUCH NON-PROFIT ORGANIZATIONS AS MUSEUMS, MUNICIPAL CORPORATIONS, AND VETERANS GROUPS "OF AMERICAN ORIGIN". UK INDIVIDUALS OR GROUPS ENGAGED IN RESTORING VINTAGE AIRCRAFT DO NOT APPEAR TO COME WITHIN THE PURVIEW OF THE ABOVE PROVISION.

4. IN ANY EVENT, THE BRITISH HAVE COMPLAINED THAT OUR PROCEDURES ARE BOTH CUMBERSOME AND SLOW. WE RECOMMEND FOR YOUR CONSIDERATION THAT USG DECLARE CRASHED US WORLD WAR II MILITARY AIRCRAFT "TO BE OFFICIALLY ABANDONED". SUCH A COURSE WOULD HAVE THE ADVANTAGE, UPON HMG'S AGREEMENT, OF GIVING TO IT THE RIGHT TO APPROVE RECOVERY/EXCAVATION IN ACCORDANCE WITH BRITISH GUIDELINES AND WOULD ELIMINATE CLAIMS FOR REWARD FOR RETURN OF LOST GOVERNMENT PROPERTY. IT WOULD ALSO HAVE THE GREAT ADVANTAGE OF PLACING RESPONSIBILITY FOR RECOVERY/EXCAVATION IN A SINGLE AUTHORITY, THE UK MOD, IRRESPECTIVE OF WHETHER THE AIRCRAFT WAS BRITISH, GERMAN OR US. FOR ALL PRACTICAL PURPOSES THE MOD WOULD EXERCISE THE RIGHT TO POSSESSION OF ALL THOSE CATEGORIES OF AIRCRAFT. FORMER GERMAN AIRCRAFT ARE REGARDED AS CAPTURED ENEMY PROPERTY WHICH HAVE BEEN CLAIMED BY THE CROWN; FORMER BRITISH AIRCRAFT HAVE ALWAYS REMAINED THE PROPERTY OF THE MOD. UNDER THE PRE-UNCLASSIFIED
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SENT BRITISH PROCEDURES, RETENTION OF RECOVERED AIRCRAFT AND EQUIPMENT IS NOT OBJECTED TO BY THE MOD PROVIDED THE GUIDANCE CONTAINED IN "CRASHED MILITARY AIRCRAFT OF HISTORICAL INTEREST, NOTE OF GUIDANCE TO RECOVERY GROUPS" HAS BEEN OBSERVED.

5. AS THIS IS A TIME-SENSITIVE ISSUE WE ARE HOPEFUL FOR WASHINGTON GUIDANCE AS TO WHETHER THE "ABANDONMENT" APPROACH HAS MERIT. RICHARDSON

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